

1 THE HONORABLE KYMBERLY K. EVANSON
2
3
4
5

6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 TONNY STOREY, individually and on
10 behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 AMAZON.COM SERVICES, LLC,

14 Defendant.

No. 2:23-CV-01529-KKE

**STIPULATED MOTION AND
ORDER TO EXTEND DEADLINE
FOR FILING AMENDED
COMPLAINT AND SET BRIEFING
SCHEDULE**

15 Pursuant to Civil Local Rules 7(d)(1) and 10(g), Plaintiff Tonny Storey and Defendant
16 Amazon.com Services LLC (collectively, “the Parties”), by and through their respective
17 attorneys, hereby move the Court to enter an order extending Plaintiff’s deadline to file an
18 amended complaint pursuant to F.R.C.P. 15(a)(1)(B) by two weeks, and setting a revised
19 briefing schedule for Amazon.com Services LLC’s anticipated motion to dismiss and request
20 for judicial notice. In support of the foregoing request for relief, the Parties state as follows:

21 1. On September 15, 2023, Tonny Storey filed a putative class action complaint
22 (“the Complaint”) against Amazon.com, Inc. and Amazon.com Services LLC (“the
23 Defendants”) in the Superior Court of Washington for King County. Defendants timely filed a
24 Notice of Removal, removing the matter to this Court, Dkt. 1.

25 2. On October 11, 2023, the Parties filed a stipulated motion to dismiss
26 Amazon.com, Inc. from this action and to set a briefing schedule for Amazon.com Services

STIPULATED MOTION AND ORDER TO
EXTEND DEADLINE FOR FILING
AMENDED COMPLAINT AND SET
BRIEFING SCHEDULE – 1
(Case No. 2:23-CV-01529-KKE)

SCHROETER GOLDMARK & BENDER
401 Union Street • Suite 3400 • Seattle, WA 98101
Phone (206) 622-8000 • Fax (206) 682-2305

1 LLC's anticipated motion to dismiss. The Court granted the Parties' motion on October 11,
 2 2023, Dkt. 9.

3 3. On December 1, 2023, the Parties filed a stipulated motion to extend the
 4 previous briefing schedule by two business days. Dkt. 15. The Court granted the Parties'
 5 motion on December 1, 2023, Dkt. 16.

6 4. On December 5, 2023, Defendant filed its Rule 12(b)(6) Motion to Dismiss,
 7 Dkt. 17, and Request for Judicial Notice in Support, Dkt. 18. Under the current order,
 8 Plaintiff's deadline to file an opposition is January 23, 2024, and Defendant's reply deadline
 9 is February 13, 2024. Dkt. 16.

10 5. Plaintiff has decided to amend his Complaint as a matter of course pursuant to
 11 Rule 15(a)(1)(B) in lieu of responding to Defendant's initial motion to dismiss. Under the Rule,
 12 his deadline to file the amended complaint is 21 days after the filing of the Rule 12(b) motion,
 13 on December 26, 2023.

14 6. The Parties have conferred, and Plaintiff has requested a 2-week extension of
 15 the deadline to file his amended complaint in light of the intervening holidays, and proposed a
 16 modified briefing schedule for Defendant's anticipated revised motion to dismiss and request
 17 for judicial notice.

18 7. Accordingly, the Parties stipulate and respectfully move the Court to enter an
 19 order withdrawing or deeming denied as moot Defendant's pending Motion to Dismiss and
 20 Request for Judicial Notice, and setting the following schedule for Plaintiff's amended
 21 complaint and briefing Defendant's anticipated revised motion to dismiss and request for
 22 judicial notice:

Event	Proposed Deadline
Deadline for Plaintiff's Amended Complaint	January 9, 2024

23
 24 STIPULATED MOTION AND ORDER TO
 25 EXTEND DEADLINE FOR FILING
 26 AMENDED COMPLAINT AND SET
 BRIEFING SCHEDULE – 2
 (Case No. 2:23-CV-01529-KKE)

SCHROETER GOLDMARK & BENDER
 401 Union Street • Suite 3400 • Seattle, WA 98101
 Phone (206) 622-8000 • Fax (206) 682-2305

1	Deadline for Defendant's Motion to Dismiss and	February 9, 2024
2	Request for Judicial Notice	
3	Deadline for Plaintiff's Opposition to Motion to	March 11, 2024
4	Dismiss and Request for Judicial Notice	
5	Deadline for Defendant's Reply in Support of	April 1, 2024
	Motion to Dismiss and Request for Judicial Notice	

6. The Parties have sought the extensions set forth above, but have sought no
 7 previous extensions related to the Plaintiff's filing of an amended complaint. Aside from
 8 altering the dates set in the Court's December 1, 2023 Order (Dkt. 16), the proposed schedule
 9 will not impact any other previously scheduled dates in this matter.

10 DATED this 21st day of December, 2023.

11 SCHROETER GOLDMARK & BENDER

12 s/ Adam J. Berger

13 Adam J. Berger, WSBA #20714
 14 Lindsay L. Halm, WSBA #37141
 15 Lily Ramseyer, WSBA #57012
 16 401 Union Street, Suite 3400
 17 Seattle, WA 98101
 18 Phone: (206) 622-8000
berger@sgb-law.com
halm@sgb-law.com
ramseyer@sgb-law.com

19 COHEN & MALAD, LLP

20 s/ Scott D. Gilchrist

21 Scott D. Gilchrist (*admitted pro hac vice*)
 22 Irwin B. Levin (*admitted pro hac vice*)
 23 One Indiana Square, Suite 1400
 24 Indianapolis, IN 46204
 25 Telephone: (317) 636-6481
ilevin@cohenandmalad.com
sgilchrist@cohenandmalad.com

26 *Counsel for Plaintiff Tonny Storey*

PERKINS COIE LLP

s/ Charles C. Sipos

Charles C. Sipos, Bar No. 32825
 Ellie F. Chapman, Bar No. 55881
 1201 Third Avenue, Suite 4900
 Seattle, Washington 98101-3099
 Telephone: +1.206.359.8000
CSipos@perkinscoie.com
EChapman@perkinscoie.com

Counsel for Defendants Amazon.com, Inc. and Amazon.com Services LLC

STIPULATED MOTION AND ORDER TO
 EXTEND DEADLINE FOR FILING
 AMENDED COMPLAINT AND SET
 BRIEFING SCHEDULE – 3
 (Case No. 2:23-CV-01529-KKE)

SCHROETER GOLDMARK & BENDER
 401 Union Street • Suite 3400 • Seattle, WA 98101
 Phone (206) 622-8000 • Fax (206) 682-2305

ORDER

The parties' joint motion (Dkt. No. 21) is GRANTED. Defendant's motion to dismiss (Dkt. No. 17) is DENIED as MOOT, and the Court sets the following deadlines:

Event	Deadline
Deadline for Plaintiff's Amended Complaint	January 9, 2024
Deadline for Defendant's Motion to Dismiss and Request for Judicial Notice	February 9, 2024
Deadline for Plaintiff's Opposition to Motion to Dismiss and Request for Judicial Notice	March 11, 2024
Deadline for Defendant's Reply in Support of Motion to Dismiss and Request for Judicial Notice	April 1, 2024

Dated this 22nd day of December, 2023.

Kimberly A. Emerson

Kymberly K. Evanson
United States District Judge

STIPULATED MOTION AND ORDER TO
EXTEND DEADLINE FOR FILING
AMENDED COMPLAINT AND SET
BRIEFING SCHEDULE – 4
(Case No. 2:23-CV-01529-KKE)

SCHROETER GOLDFMARK & BENDER
401 Union Street • Suite 3400 • Seattle, WA 98101
Phone (206) 622-8000 • Fax (206) 682-2305

1

2

3

Presented by:

4

s/ Adam J. Berger

5

Adam J. Berger, WSBA #20714

6

Lindsay L. Halm, WSBA #37141

7

Lily Ramseyer, WSBA #57012

8

SCHROETER GOLDMARK & BENDER

9

401 Union Street, Ste. 3400

10

Seattle, WA 98101

11

Telephone: +1.206.622.8000

12

berger@sgb-law.com

13

halm@sgb-law.com

14

ramseyer@sgb-law.com

15

s/ Scott D. Gilchrist

16

Scott D. Gilchrist (*admitted pro hac vice*)

17

Irwin B. Levin (*admitted pro hac vice*)

18

COHEN & MALAD, LLP

19

One Indiana Square, Ste. 1400

20

Indianapolis, IN 46204

21

Telephone: +1.317.636.6481

22

sgilchrist@cohenandmalad.com

23

ilevin@cohenandmalad.com

24

Counsel for Plaintiff

25

Tonny Storey

26

s/ Charles C. Sipos

Charles C. Sipos, Bar No. 32825

Ellie F. Chapman, Bar No. 55881

PERKINS COIE LLP

1201 Third Avenue, Suite 4900

Seattle, Washington 98101

Telephone: +1.206.359.8000

Facsimile: +1.206.359.9000

CSipos@perkinscoie.com

EChapman@perkinscoie.com

Counsel for Defendants

Amazon.com, Inc. and Amazon.com

Services LLC

STIPULATED MOTION AND ORDER TO
EXTEND DEADLINE FOR FILING
AMENDED COMPLAINT AND SET
BRIEFING SCHEDULE – 5
(Case No. 2:23-CV-01529-KKE)

SCHROETER GOLDMARK & BENDER
401 Union Street • Suite 3400 • Seattle, WA 98101
Phone (206) 622-8000 • Fax (206) 682-2305